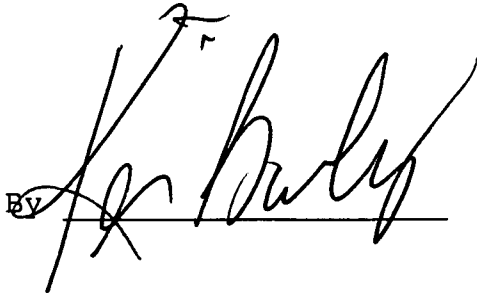


By 

H.B. No. 1124

A BILL TO BE ENTITLED

AN ACT

relating to circumstances under which certain firefighters and police officers may be required to take a polygraph examination.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter D, Chapter 143, Local Government Code, is amended by adding Section 143.058 to read as follows:

Sec. 143.058. POLYGRAPH EXAMINATIONS. (a) A firefighter or police officer employed by the municipality may not be required to submit to a polygraph examination as part of an internal investigation regarding the conduct of the firefighter or police officer unless:

(1) the complainant submits to and passes a polygraph examination and, if applicable, the department has complied with Subsection (c); or

(2) the firefighter or police officer is ordered to take an examination under Subsection (f).

(b) Subsection (a)(1) does not apply if the complainant is physically or mentally incapable of being polygraphed.

(c) The department shall, on the written request of a firefighter or police officer, provide to the firefighter or police officer the complainant's polygraph examination results within 48 hours after the request.

(d) For the purposes of this section, a person passes a polygraph examination if, in the opinion of the polygraph examiner,

1     no deception is indicated regarding matters critical to the subject  
2     matter under investigation.

3             (e) The results of a polygraph examination that relate to  
4     the complaint under investigation are not admissible in a  
5     proceeding before the commission or a hearing examiner.

6             (f) The department head may order a firefighter or police  
7     officer to submit to a polygraph examination if the department head  
8     considers the circumstances to be extraordinary and the department  
9     head believes that the integrity of a firefighter or police officer  
10    or the department is in question.

11            (g) This section does not apply if Section 143.124 applies.

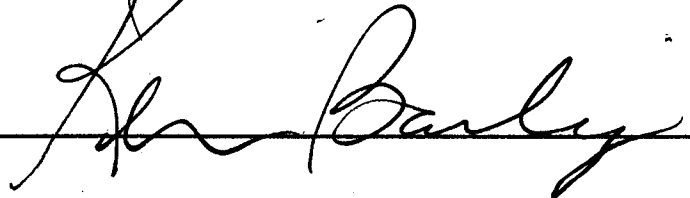
12            SECTION 2. This Act takes effect September 1, 1997, and  
13     applies only to an investigation that is initiated on or after the  
14     effective date of this Act.

15            SECTION 3. The importance of this legislation and the  
16     crowded condition of the calendars in both houses create an  
17     emergency and an imperative public necessity that the  
18     constitutional rule requiring bills to be read on three several  
19     days in each house be suspended, and this rule is hereby suspended.

H.B. No. 1124

A BILL TO BE ENTITLED  
AN ACT

By



Relating to circumstances under which certain firefighters and police officers may be required to take a polygraph examination.

FEB 10 1997

Filed with the Chief Clerk

FEB 11 1997

Read first time and referred to Committee on Urban Affairs

Reported favorably (as amended)  
(as substituted)

Sent to Committee on (Calendars)  
(Local & Consent Calendars)

Read second time (comm. subst.) (amended); passed to third reading (failed) by a (non-record vote)  
(record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)

Constitutional rule requiring bills to be read on three several days suspended (failed to suspend)  
by a vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting

Read third time (amended); finally passed (failed to pass) by a (non-record vote)  
(record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)

Engrossed

Sent to Senate

CHIEF CLERK OF THE HOUSE

OTHER HOUSE ACTION:

Received from the House

Read and referred to Committee on \_\_\_\_\_

Reported favorably \_\_\_\_\_

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time

Ordered not printed

Laid before the Senate

Senate and Constitutional Rules to permit consideration suspended by (unanimous consent)  
(\_\_\_\_\_ yeas, \_\_\_\_\_ nays)

Read second time, \_\_\_\_\_, and passed to third reading by (unanimous consent)  
(a viva voce vote)  
(\_\_\_\_\_ yeas, \_\_\_\_\_ nays)

Senate and Constitutional 3 Day Rules suspended by a vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays

Read third time, \_\_\_\_\_, and passed by (a viva voce vote)  
(\_\_\_\_\_ yeas, \_\_\_\_\_ nays)

Returned to the House

SECRETARY OF THE SENATE

OTHER SENATE ACTION:

\_\_\_\_\_ Returned from the Senate (as substituted)  
(with amendments)

\_\_\_\_\_ House concurred in Senate amendments by a (non-record vote)  
(record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)

\_\_\_\_\_ House refused to concur in Senate amendments and requested the appointment of a conference committee  
by a (non-record vote) (record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)

\_\_\_\_\_ House conferees appointed: \_\_\_\_\_, Chair; \_\_\_\_\_,  
\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_ Senate granted House request. Senate conferees appointed: \_\_\_\_\_, Chair;  
\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_ Conference committee report adopted (rejected) by the House by a (non-record vote)  
(record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting)

\_\_\_\_\_ Conference committee report adopted (rejected) by the Senate by a (viva voce vote)  
(record vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays)